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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,407	04/19/2004	Aaron Michael Smith	025217-0126	9900

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FOLEY AND LARDNER
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3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

YIP, WINNIE S

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/826,407

Applicant(s)

SMITH ET AL.

Examiner

Winnie Yip

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date April 19, 2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This is a first office action for application Serial No. 10/826,407 which is a continuation of co-pending PCT application Serial No. PCT/AU 02/01406 filed October 16, 2002.

Drawings

1. The drawings are objected to under 37 CFR 1.84(h)(1) because of
 - a. the exploded view, i.e. Fig. 6, with the separated parts within the same figure, should be embraced by a bracket in order to show the relationship or order of assembly of various parts.
 - b. The drawings are objected to under 37 CFR 1.84(n) because, in Fig. 1, the numeral numbers 12 and 16 do not include a labeled legend.
2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

Art Unit: 3637

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following matters: The specification missing headings for sections of "BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S)" and "DETAILED DESCRIPTION OF THE INVENTION".

Appropriate correction is required.

Information Disclosure Statement

3. The information disclosure statement filed April 19, 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. Those cited foreign patent document are not available to the examiner. Therefore, the information disclosure has been placed in the application file, but the information referred to the foreign references has not been considered.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 5-12, 14-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 3637

Regard to claims 6-8, if it is unclear what does mean by the phrase “ if provided, the or ...” which is improper and causes a confusion of what limitation is claimed.

Regard to claim 9, “said connector” (line 1) lacks a proper antecedent basis since there is only “an elongate connecting member” being previously defined in claim 8. If they are the same, they must be defined with a same terminology such as “said elongate connecting member”.

Regard to claim 19, the term “said compartments” lacks a proper antecedent basis which has not been previously defined in claim 1 but rather in claim 3.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Farlow, Jr. (US Patent No. 5,833,295).

Farlow, Jr. teaches a demountable and portable building comprising: a base (1) , a plurality of modular units (25, 43, 50) being arranged and connected to the base, each of the units (43) providing a form of a compartment including a subframe having pairs of vertically extending side walls (64, 69, 70, 71, 72, 100) and end walls mounted on the base, and a roof (65) being highly connected to the upper edge of the vertical end and side walls by suitable connectors, and each compartment having foundational elements such as, stove, sinks (18, 28), ovens (16, 29), water tank (74) being fitted thereon for performing a predetermined function in the operation of the building without requiring connection to facilities external of the build, and

Art Unit: 3637

the base of the building having wheels for transporting the building from a first site to another site.

8. Claims 1-5, 18, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Ensor (US Patent No.2,678,442).

Ensor teaches a demountable and portable building comprising: a base (1) , a plurality of modular units (3) being arranged and connected to the base, each of the units (3) providing a form of a compartment (3) including a subframe (6a) having pairs of vertically extending side walls and end walls mounted on the base (1b), and a roof member (9) being highedly connected to the upper edge of the vertical end and side walls by suitable connectors, and each compartment (3) having foundational elements being fitted thereon for performing a predetermined function in the operation of the building without requiring connection to facilities external of the build, and the base of the building having wheels and skids (7) for transporting the building from a first site to another site.

9. Claim 26 is rejected under 35 U.S.C. 102(b) as being anticipated by Cooper (US Patent No. 5,218,792).

Cooper teaches a modular structure comprising: a base (7) , wall sections (6), roof sections (56), the wall sections and the roof sections including a hollow interior cavity being filled with an expansion foam (42), the wall sections and the roof sections being arranged perpendicular to each other, and connectors (10, 20) connecting the adjacent wall sections and the roof sections together, wherein the connectors extend lengthwise of the wall sections, the

Art Unit: 3637

connectors comprising opposite side connection walls (10, 20) having adjacent edges (30, 22) being inclined complementary thereon such that the side walls of the connector (32, 18) lay substantially flush against the inclined edge region, and secured together by fasteners (34).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 6, 8-17 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farlow, Jr '295 as applied to claim 3 above, and further in view of Grocott (US Patent No. 4,596,100).

The claims are considered to be met by Farlow, Jr. as explained and applied set forth above rejections except the Farlow, Jr. does not define building having connectors connecting adjacent the walls and the roof together by fastener means as claimed. Grocott teaches a modular building comprising elongate connectors (2) used to convertibly connecting adjacent walls or roof members together or used to connect the walls to a base or floor by a connector through an opening formed thereon as claimed. It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the portable building of Farlow, Jr. having convertible connectors which can be used to convertibly connect the adjacent walls and roof members together and connecting the wall to the base or floor by the connectors extending

Art Unit: 3637

through the opening of the walls from the base or floor for mounting the walls thereon as taught by Grocott for easily assembling or disassembly the building in different location.

12. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Farlow, Jr '295 as applied to claim 3 above, and further in view of Cooper (US Patent NO. 5,218,792).

The claim is considered to be met by Farlow, Jr. as explained and applied set forth above rejections except the Farlow, Jr. does not define building having the walls or roof members being formed to have a cavity being filled with an expansion foam as claimed. Cooper teaches a mobile building comprising a plurality of walls (6) and roof members (56) each has a hollow interior cavity being filled with an expansion foam (42, 44). It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the portable building of Farlow, Jr. having the walls and roof members being formed to have a hollow interior cavity to be filled with an expansion foam as taught by Cooper for providing the building with insulating property.

13. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Farlow, Jr '295 as applied to claim 3 above, and further in view of Lipinski (US Patent NO. 3,971,395).

The claim is considered to be met by Farlow, Jr. as explained and applied set forth above rejections except the Farlow, Jr. does not define portable building having the base provided with skids for dragging the building over a surface. Lipinski teaches a portable building having a base provided with skids (64) for dragging the building over a surface. It would have been obvious to one ordinary skill in the art at the time the invention was made to

Art Unit: 3637

modify the portable building of Farlow, Jr. having skids provided below the base as taught by Lipinski for dragging the building over a surface and easily transporting the building from one side to another side.

14. Claims 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farlow, Jr '295 or Ensor '442 as applied to claim 3 above, and further in view of Lindsay (US Patent NO. 6,260,322).

The claim is considered to be met by Farlow, Jr. or Ensor as explained and applied set forth above rejections except the Farlow, Jr. or Ensor does not define base include ducting. Lindsay teaches a demountable building comprising a base (60) for supporting a plurality of module units thereon, comprising ducting (170) positioned centrally of the base having service point connections (172) connecting with the module units for facilitating utility and electrical services to the module units. It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the demountable building of Farlow, Jr. or Ensor having ducting positioned underside of the base as taught by Lindsay for providing suitable facility service such as plumbing, water supply, electricity to the desired module units.

Citations

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 3637

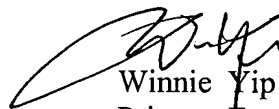
Kunz '906, Getz et al. '353, Von Hoff et al. Wyman et al. '427, Cavalea, III '838 and Parmley teach various modular buildings have walls and roof connections as similar to the claimed invention.

Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Winnie Yip
Primary Examiner
Art Unit 3637

wsy
April 18, 2005